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NEC ELECTRONICS AMERICA, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

IN RE STATIC RANDOM ACCESS  
MEMORY (SRAM) ANTITRUST  
LITIGATION

Case No.: M:07-cv-1819 CW  
MDL No. 1819

This Document Relates To:

All Indirect Purchaser Actions

**DECLARATION OF PATRICK M. RYAN  
IN SUPPORT OF DEFENDANTS'  
MOTION FOR ADMINISTRATIVE  
RELIEF FOR LEAVE TO FILE A  
SUPPLEMENTAL BRIEF REGARDING  
INACCURATE STATEMENTS AND NEW  
ISSUES RAISED AT THE HEARING ON  
CLASS CERTIFICATION**

Judge: Hon. Claudia Wilken

I, Patrick M. Ryan, declare as follows:

1. I am a member in good standing of the State Bar of California and a Partner with Winston & Strawn LLP, attorneys for defendants NEC Electronics America, Inc. and NEC Electronics Corporation in the above-entitled action. I have personal knowledge of the facts set forth herein, except where noted, and, if called to testify, could and would competently testify thereto. I make this declaration in support of Defendants' Motion for Administrative Relief for Leave to File a Supplemental Brief Regarding Inaccurate Statements and New Issues Raised at the Class Certification Hearing ("Motion").

2. Attached as Exhibit A hereto is a true and correct copy of [Proposed] Defendants' Supplemental Brief Regarding Inaccurate Statements and New Issues Raised at the Hearing on Class Certification ("Supplemental Brief"). Defendants seek leave to file this Supplemental Brief and request that the Supplemental Brief be deemed filed *nunc pro tunc* as of the date of the filing of the Motion, September 16, 2009.

3. On Friday, September 11, 2009, I contacted Mr. Francis O. Scarpulla at Zelle Hofmann Volbel & Mason, Interim Lead and Liaison Counsel for Indirect Purchaser Plaintiffs, by e-mail to inform him of Defendants' desire to file a supplemental brief to address inaccurate statements made at the hearing on class certification and issues raised by the Court during the hearing that were not briefed by either side. In the e-mail, I proposed a stipulated agreement to the filing of the supplemental brief and informed Mr. Scarpulla that Defendants will stipulate to Plaintiffs' right to file a response to the supplemental brief, if desired by Plaintiffs.

4. Between September 11, 2009 and Monday, September 14, 2009, Mr. Scarpulla communicated to my partner, Paul Griffin, that Plaintiffs were also considering filing a supplemental brief because issues had been raised at the hearing that had not been briefed.

5. Mr. Griffin informed me of the conversation with Mr. Scarpulla and instructed me to send Mr. Scarpulla a draft stipulation and order for the filing of supplemental briefs by the parties for his review and approval. The proposed draft stipulation allowed for both sides to file supplemental briefs on the same day, Wednesday, September 16, 2009.

